

City of Rockville Commission on the Environment  
November 27, 2007 Meeting Minutes

Attendees: Faith Klareich (FK), Seth Adams (SA), Michelle Clark (MC), David Davis (DD), Kris Dighe (KD), Beri Kravitz (BK), Geoff Sanders (GS) and Sura Yakowitz (SY).

Absent: Tolulope Odunlami (TO).

Also in attendance: Staff Liaison Nate Wall (NW); Deane Mellander (DM) and Katie Mencarini (KM) – City of Rockville Planning Division.

**1. Welcome, News and Agenda Review**

The meeting was called to order at 7:32 pm in the Diamondback Terrapin Room at Rockville City Hall. This interim meeting was called for the specific purpose of reviewing the recently-released RORZOR draft of the Zoning Ordinance.

**2. RORZOR Draft Zoning Ordinance**

DM provided a brief introduction to the process up until this point: Process began in March 2006; draft zoning ordinance created from September 2006 to September 2007. DM clarified that this was the RORZOR's draft of the zoning ordinance, not a City staff draft, and that this was a consensus document – no member of RORZOR would completely agree with everything in it, and there were several close votes on various issues. Thus there is an expectation that this document will be changed before the final version is adopted by Mayor & Council.

KM explained that the immediate goal was to get comments from Boards, Commissions and the general public by mid-December so that all comments could be incorporated into the staff report which will be taken to the Planning Commission on January 23, 2008. The Planning Commission will likely have two full nights of hearings, and 1 or 2 worksessions to go over comments. The Planning Commission will then create their draft to send to the Mayor & Council in late April / early May. The goal is to have final action taken by the Mayor & Council by June 20, 2008 (end of fiscal year).

DM mentioned that the previous zoning ordinance has remained relatively unchanged for the past 30 years, and that it was created for a very different purpose, namely Greenfield development, whereas now Rockville is built out and is moving towards small lot development, infill development, and redevelopment. DM then explained the trend away from strict zoning separation and towards mixed-use zones, and discussed how the new proposed zones would be applied to the City.

FK wondered what role HOAs had in this, and if there would need to be an education effort aimed at them once the new zoning ordinance goes into effect. DM said that since the zoning ordinance is Citywide, it will apply to the HOAs. However, the two don't really overlap that much since zoning tells you what you can do with your property but not how to do it, while the HOAs are more concerned with the how. Also explained the concept of Neighborhood Conservation Districts.

KD wondered about applicability to Historic Districts. DM said that Historic Districts were pretty much exempt from most of this, as historic properties have been recognized as having a value beyond zoning. The Historic District Commission controls most of their activities

DM then brought up impervious surfaces, and explained how RORZOR proposes limits to impervious surfaces in the front yard. KD asked why the provisions applied only to the front yard, and DM replied that it was more an aesthetic issue rather than environmental – RORZOR wished to keep front yards more natural looking (i.e., couldn't pave front yard as parking lot). KM said

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that we also didn't want to have to police the backyards from an impervious surfaces perspective. DM said that regardless of the impervious surface regulations, the overall building coverages have not been changed from the original zoning. However, now there will need to be permits given for things that did not originally require a permit, such as driveways, since they must calculate the new percent impervious cover of the front yard.

FK asked how non-conformities to this or any other aspect of the new zoning would be handled. KM explained that the owners can keep and maintain any nonconformity as we are not allowed to tell people they must get rid of existing features; however, they can improve or modify a nonconforming property or structure. DM said that if you have a nonconforming property and come in to request something from the City, basically the answer will always be "no".

DM then discussed the new Park Zone, and described how that would be applied. He noted that Park Zones were not assigned to Planned Development (PD) areas, as the parks in PDs were legally required in their development already. There is also some relation to the Parks, Recreation and Open Space (PROS) Plan here, in that there will be park requirements, and developers could pay a fee in lieu that could be used to purchase land for parks where the PROS plan says more parks are needed.

FK asked why floating zones had not been included in the new zoning ordinance. DM explained that RORZOR felt that floating zones would open up too much flexibility and basically result in uncontrolled zoning.

Parking requirements were brought up next. DM mentioned that there will now be a 5% green space requirement in parking lots, taken from Montgomery County. Developers also do not need to provide the minimum parking spaces if they can demonstrate that they were not needed. FK asked why we were still discussing parking minimums instead of parking maximums, and said that it sounded burdensome to "prove" that you didn't need all of that parking. DM said that the RORZOR was very concerned about providing adequate parking, and wanted to go with parking minimums.

KM mentioned that it was definitely a case of competing values: LEED says provide less parking, the City says provide more parking, yet the City also says it wants LEED green buildings. DM said that some reduction is given for offices if within a certain distance from metro, but this didn't not apply to all zones.

FK asked about instituting requirements that parking lots be 80% impervious, 20% pervious for the lesser (or never) used spaces. BK asked if there were any incentives for structured parking. DM said there were no real incentives for pervious or structured parking, but that structured parking was "encouraged" in the zoning ordinance.

FK then asked how the new zoning ordinance relates to the City's Master Plan. DM said that once the zoning map was adopted, the City planned to open up the Master Plan for updates. KM said that the Master Plan is required to be redone every 20 years, with checkups every 5 years. Also, there are neighborhood plans, Rockville Pike Plan, etc. to consider.

Commissioners to get comments on draft zoning ordinance to NW by December 11<sup>th</sup>. This information will make it into the staff report for the Planning Commission. Anything that comes up after this time can be taken directly to the Planning Commission starting in January.

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**3. Stormwater Utility Fee Endorsement**

KD presented the Watershed Protection Working Group's draft language for the Commission's endorsement of the Stormwater Utility Fee. FK thought there should be mention in the conclusion section underscoring the incentive program. SY suggested a stronger wording of support for the incentives.

SY moves to approve endorsement as amended; DD seconds. Unanimous vote to approve endorsement of the Stormwater Utility Fee.

**4. Wrap-Up and Adjourn**

Meeting adjourned at 9:08 pm.